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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Sacramento)

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THE PEOPLE,

Plaintiff and Respondent,

v.

JERMYN SANDERS,

Defendant and Appellant.

C069369

(Super. Ct. Nos. 10F05533,  
10F05618)

Appointed counsel for defendant, Jermyn Sanders, asked this court to review the record to determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436 (*Wende*).) We order corrections to the abstract and affirm the judgment.

I

In July 2010, defendant went into a drug store and handed a note to a drug store employee that "basically said, Give me your Oxi [sic] . . . , or I'll shoot you." The employee gave defendant "a number of OxyContin pills" and defendant left the store.

In August 2010, defendant entered a different drug store and handed a similar, threatening note to a drug store employee. This employee gave defendant "over about 2,400 tablets of OxyContin."

Defendant was subsequently arrested and charged in an amended complaint consolidating Sacramento County Superior Court case Nos. 10F05533 and 10F05618 with four counts of second degree robbery (Pen. Code, § 211). It was further alleged that defendant was previously convicted of a serious or violent felony, namely battery resulting in serious bodily injury (Pen. Code, § 243, subd. (d)). Defendant pled no contest to two counts of second degree robbery and admitted the prior conviction for a serious or violent felony. In exchange for defendant's plea, the remaining charges were dismissed with a *Harvey*<sup>1</sup> waiver.

Defendant was subsequently sentenced to serve an aggregate term of eight years in state prison. Defendant was awarded 411 days of custody credit (358 actual and 53 conduct) and ordered to pay various fines and fees, including a \$40 court security fee for each count (Pen. Code, § 1465.8) and a \$30 criminal conviction assessment for each count (Gov. Code, § 70373, subd. (a)(1)).

Defendant appeals with a certificate of probable cause.

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<sup>1</sup> *People v. Harvey* (1979) 25 Cal.3d 754.

## II

Appointed counsel filed an opening brief that sets forth the facts of the case and asked this court to review the record and determine whether there are any arguable issues on appeal. (*Wende, supra*, 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed and we have received no communication from defendant.

We have reviewed the record in its entirety and find two clerical errors. Included in the imposed fines and fees was a \$30 criminal conviction assessment (Gov. Code, § 70373) for each count and a \$40 court security fee (Pen. Code, § 1465.8) for each count. Defendant was convicted on two counts of second degree robbery and the trial court ordered assessments on each count. The abstract of judgment, however, reflects imposition of only one criminal conviction assessment and one court security fee. The trial court also awarded defendant 53 days of conduct credit, yet the abstract of judgment reflects an award of 58 days of conduct credit. We direct the court to prepare a corrected abstract.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

## DISPOSITION

The judgment is affirmed. The trial court is directed to correct the abstract of judgment so that it reflects imposition of two court security fees and two criminal conviction

assessments, one for each count of conviction. The trial court is further directed to correct the abstract of judgment to reflect 53 days of conduct credit and forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.

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HOCH, J.

We concur:

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NICHOLSON, Acting P. J.

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DUARTE, J.